

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TISHA E RENNER,

Plaintiff,

v.

PIERCE COUNTY SHERIFF, et al.,

Defendants.

CASE NO. C18-5624 RBL

ORDER

THIS MATTER is before the Court on Plaintiff Renner's Motion for leave to proceed *in forma pauperis*, supported by her proposed complaint [Dkt. # 1]. This is at least the fourth case Trisha Renner has filed in the past two years. In each case, she claims she was involved in some altercation, officers were called, and she was arrested and transported to the hospital. *See* Cause Nos. C17-5241RBL, C17-5928RBL, 18-5626RBL, and this case. In at least two of the cases, her vehicle was also towed.

Here, Renner claims that that she was assaulted in Parkland, Washington by an unnamed assailant in June of this year. She was bleeding and required stitches. She claims police officers arrived, pepper-sprayed, arrested, and handcuffed her, and then transported her to the Emergency Room at St. Claire hospital. She seeks \$14500 for pain and suffering, and "relief of duty" for the

1 officers who violated her civil rights and did not protect and serve her (presumably, from the  
2 assailant). She asserts a § 1983 claim against the Pierce County Sheriff, “Officer Provost,”  
3 “Officer Laiuppa” and Officer John Doe.

4 A district court may permit indigent litigants to proceed *in forma pauperis* upon  
5 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The Court has broad  
6 discretion in resolving the application, but “the privilege of proceeding *in forma pauperis* in civil  
7 actions for damages should be sparingly granted.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir.  
8 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should “deny leave to proceed *in*  
9 *forma pauperis* at the outset if it appears from the face of the proposed complaint that the action  
10 is frivolous or without merit.” *Tripathi v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir.  
11 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint  
12 is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778  
13 F.2d 527, 529 (9th Cir. 1985); *see also Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

14 A *pro se* Plaintiff’s complaint is to be construed liberally, but like any other complaint it  
15 must nevertheless contain factual assertions sufficient to support a facially plausible claim for  
16 relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (citing *Bell*  
17 *Atlantic Corp. v. Twombly*, 550 U.S. 544, 570, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007)). A  
18 claim for relief is facially plausible when “the plaintiff pleads factual content that allows the  
19 court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”  
20 *Iqbal*, 556 U.S. at 678.

21 Ordinarily, the Court will permit *pro se* litigants an opportunity to amend their complaint  
22 in order to state a plausible claim. *See United States v. Corinthian Colleges*, 655 F.3d 984, 995  
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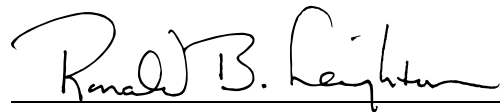
1 (9th Cir. 2011) (“Dismissal without leave to amend is improper unless it is clear, upon de novo  
2 review, that the complaint could not be saved by any amendment.”)

3 Renner’s proposed complaint does not meet this standard. She does not articulate what, if  
4 anything, and of the defendants did to her, or why. She concedes she was assaulted by someone  
5 who is not a defendant, and seems to suggest that her claim is based on the officers’ failure to  
6 prevent that assault from happening. Such a claim fails as a matter of law.

7 The Court is not unsympathetic to Ms. Renner’s condition or her various run-ins with  
8 police officers and others. But she cannot state a plausible claim based on the incident she has  
9 described. Her Motion for Leave to Proceed *in forma pauperis* is DENIED, and she must pay the  
10 filing fee within 21 days or this matter will be DISMISSED.

11 IT IS SO ORDERED.

12 Dated this 13<sup>th</sup> day of August, 2018.

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15 Ronald B. Leighton  
16 United States District Judge  
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